

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

TERRENCE JOHNSON, JIM HARRIS,  
ALEXANDER FRIEDMANN,  
and JOSHUA ROBERTS

Plaintiffs,

vs.

PHIL BREDESEN, Governor of the State  
Tennessee, BROOK THOMPSON,  
Coordinator of Elections,  
RILEY DARNELL, Secretary of State of  
Tennessee, JAMES JOHNSON,  
Administrator of Elections for Shelby  
County, KIM BUCKLEY, Administrator of  
Elections for Madison County, and  
RAY BARRETT, Administrator of Elections  
for Davidson County, in their official  
capacities,

Defendants.

Case No. 03-08-0187

Hon. Thomas A. Wiseman, Jr.  
U.S. District Court Judge

Hon. Juliet Griffin  
U.S. Magistrate Judge

**PLAINTIFFS' STATEMENT OF MATERIAL FACTS IN  
SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT**

Plaintiffs, by and through counsel, and pursuant to LR 56.01(b), submit the following statement of material facts as to which they contend there is no genuine issue for trial:

1. Plaintiff Terrence Johnson is a citizen of the United States and a resident of Shelby County, Tennessee. Decl. of Terrence Johnson.

Response:

2. Plaintiff Johnson was convicted of federal wire fraud on January 12, 1999 and ordered to pay \$40,792.54 in restitution for his offense. Id.

Response:

3. Plaintiff Johnson has completed his term of imprisonment, parole, and probation for that offense. Id.

Response:

4. Plaintiff Johnson wishes to vote in upcoming elections, but remains ineligible because of his outstanding legal financial obligations (LFOs). Id.; Tenn Code Ann. § 40-29-202(b).

Response:

5. Plaintiff Joshua Roberts is a citizen of the United States and a resident of Davidson County, Tennessee. Decl. of Joshua Roberts.

Response:

6. Plaintiff Johnson was convicted of forgery in or about January 2001. Id.

Response:

7. Plaintiff Johnson has completed his term of imprisonment, parole, and probation for that offense. Id.

Response:

8. Plaintiff Johnson wishes to vote in upcoming elections, but remains ineligible because of his outstanding LFOs. Id.; Tenn. Code Ann. § 40-29-202©.

Response:

9. Defendant Phil Bredesen is the Governor of the State of Tennessee. Answer of Phil Bredesen, Brook Thompson, and Riley Darnell at ¶ 7.

Response:

10. As the State's chief executive officer, Defendant Bredesen is ultimately responsible for implementing Tennessee law, including violations of election and other criminal laws, rules, and regulations. Id.

Response:

11. Defendant Brook Thompson is the Coordinator of Elections for the State of Tennessee. Id. at ¶ 8.

Response:

12. Defendant Thompson is the State's chief administrative election officer and is responsible for implementing voting rules and regulations as necessary to carry out the provisions of the election code, including the promulgation of procedures for, and the receipt and administration of applications for, voter registration. Id.

Response:

13. Defendant Riley Darnell is the Secretary of State for the State of Tennessee. Id. at ¶ 9.

Response:

14. Defendant Darnell is ultimately responsible for developing and implementing rules and regulations as necessary to carry out the provisions of the election code. Id.

Response:

15. Defendant James Johnson is the administrator of elections for Shelby County, Tennessee. Answer of Defendant James Johnson at ¶ 10.

Response:

16. Defendant Johnson is responsible for the execution of all elections in Shelby County. Id.; Tenn. Code Ann. § 2-12-116.

Response:

17. Defendant Kim Buckley is the administrator of elections for Madison County, Tennessee. Defendant Kim Buckley's Answer at ¶ 11.

Response:

18. Defendant Buckley is responsible for the execution of all elections in Madison County. Tenn. Code Ann. § 2-12-116.

Response:

19. Defendant Ray Barrett is the administrator of elections for Davidson County, Tennessee. Answer of Ray Barrett at ¶ 12.

Response:

20. Defendant Barrett is responsible for the execution of all elections in Davidson County. Tenn. Code Ann. § 2-12-116.

Response:

DATED this 22nd day of August 2008.

Respectfully submitted,

By: /s/ Nancy Abudu  
Nancy G. Abudu\*  
Laughlin McDonald\*  
Neil Bradley\*  
AMERICAN CIVIL LIBERTIES UNION  
VOTING RIGHTS PROJECT  
230 Peachtree Street NW  
Suite 1440  
Atlanta, Georgia 30303  
Tel: (404) 523-2721  
Fax: (404) 653-0331  
[lmcdonald@aclu.org](mailto:lmcdonald@aclu.org)  
[nbradely@aclu.org](mailto:nbradely@aclu.org)  
[nabudu@aclu.org](mailto:nabudu@aclu.org)  
\*Admitted pro hac vice

Tricia Herzfeld (Bar No. 026014)  
AMERICAN CIVIL LIBERTIES UNION  
OF TENNESSEE  
P.O. Box 120160  
Nashville, Tennessee 37212  
Tel: (615) 320-7142  
Fax: (615) 320-7260  
[tricia@aclu-tn.org](mailto:tricia@aclu-tn.org)

Counsel for Plaintiffs

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 22nd day of August 2008, a copy of the foregoing was served on counsel of record for defendants, addressed as follows, via the court's electronic filing system:

ROBERT E. COOPER, JR.  
JANET M. KLEINFELTER  
WILLIAM N. HELOU  
Special Litigation Division  
425 5th Avenue North  
Nashville, Tennessee 37243

SUE B.CAIN  
ALLISON BUSSELL  
108 Metropolitan Courthouse  
P.O. Box 196300  
Nashville, Tennessee 37219

JOHN L. RYDER  
One Commerce Square, Suite 2700  
Memphis, Tennessee 38103

DANIEL PRESLEY  
160 North Main Street, Suite 2700  
Memphis, Tennessee 38103

JAMES I. PENTECOST  
JON A. YORK  
106 Stonebridge Blvd.  
Jackson, TN 38305

/s/ Nancy Abudu  
Nancy Abudu

Counsel for Plaintiffs